

1 GREGORY M. FOX, STATE BAR NO. 070876
Arlene C. Helfrich, State Bar No. 096461
2 Bertrand, Fox & Elliot
The Waterfront Building - 2749 Hyde Street
3 San Francisco, California 94109
Telephone: (415) 353-0999
4 FAX (415) 353-0990
5 Attorneys for Defendants CITY OF OAKLAND
and POLICE CHIEF RICHARD WORD

6 | (List of Additional Counsel Attached)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 SRI LOUISE COLES, et al.) **File No. C03-2961 TEH (JL)**
12 Plaintiffs)
13 vs.)
14 CITY OF OAKLAND, a municipal entity, et al.) **File No. C 03-2962 TEH (JL)**
15)
16 Defendants)
17 LOCAL 10, INTERNATIONAL LONGSHORE) **STIPULATION AND ~~PROPOSED~~ ORDER**
18 AND WAREHOUSE UNION, et al.,) **DISMISSING INDIVIDUAL OFFICER**
19)
20 Plaintiffs,) **DEFENDANTS WITH PREJUDICE AS TO**
21 vs.)
22 CITY OF OAKLAND; et al.,) **PLAINTIFF DIANA BOHN ONLY**
Defendants.)

204

1 JAMES B. CHANIN, SBN 76043
2 JULIE M. HOUK, SBN 114968
3 LAW OFFICES OF JAMES B. CHANIN
3050 Shattuck Avenue
Berkeley, California 94705
Telephone: (510) 848-4752
4 FAX (510) 848-5819

5 JOHN L. BURRIS, SBN 69888
6 7677 Oakport Street, Suite 1120
Oakland, CA 94621
7 Telephone: (510) 839-5200
FAX (510) 839-3882

8 RACHEL LEDERMAN, SBN 130192
9 NATIONAL LAWYERS GUILD and
Law Offices of Rachel Lederman and Alexis C. Beach
10 558 Capp Street
San Francisco, CA 94110
11 Telephone:(415) 282-9300
FAX (415) 285-5066

12 ALAN L. SCHLOSSER, SBN 49957
13 JULIA HARUMI MASS SBN 189649
MARK SCHLOSBERG, SBN 209144
AMERICAN CIVIL LIBERTIES UNION
14 FOUNDATION OF NORTHERN
CALIFORNIA, 1663 Mission Street, Suite 460
15 San Francisco, CA 94103
Telephone: (415) 621-2493
16 FAX (415) 255-8437

17 **Counsel for Plaintiffs Local 10 Longshore and Warehouse Union et al.**
C03-2962 THE (JL)

18
19 John A. Russo Esq. State Bar No. 129729
City Attorney
20 Randolph W. Hall, Esq. State Bar No. 080142
Chief Asst. City Attorney
21 Office of the City Attorney
One Frank H. Ogawa Plaza, 6th Floor
22 Oakland CA 94612
Telephone: (510) 238-3601
23 FAX (510) 238-6500

24 **Counsel for defendant CITY OF OAKLAND et al**

STIPULATION

IT IS HEREBY STIPULATED by and between the parties, Plaintiff DIANA BOHN, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff DIANA BOHN ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

15 RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN,
16 DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R.
17 HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G.
18 BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA,
19 J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D.
20 CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF.
21 J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C.
DELROSARIO.

22 It is acknowledged that DIANA BOHN's claims against the CITY OF OAKLAND are to be
23 resolved pursuant to her acceptance of the CITY OF OAKLAND's offer of judgment pursuant to
24 FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated February 17, 2005.
25 This dismissal with prejudice of the individual officer defendants is a condition of that offer of
26 judgment and offer to compromise.

1 Dated: March 28, 2005

2 /s/ James B. Chanin

3 JAMES B. CHANIN

4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: March 24, 2005

6 /s/ Gregory M. Fox

7 GREGORY M. FOX

8 Attorney for Defendants City of Oakland et al.

9 **ORDER**

10 Having reviewed the stipulation of the parties, and good cause appearing therefore
11 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF
12 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to
13 California CCP § 998 dated February 17, 2005, and plaintiff DIANA BOHN's acceptance thereof,
14 Plaintiff DIANA BOHN's action No. C -03-2962 THE (JL) shall be and hereby is dismissed with
15 prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK HAW, ROD
16 YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E.
17 TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.
18 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.
19 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,
20 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.
21 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.
22 ROMANS and OFF. C. DELROSARIO.

23 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

24 6/9/05

25 DATE



26 THELTON E. HENDERSON

27 UNITED STATES DISTRICT JUDGE